



# JUDICIARY



## **SUSTAINING JUDICIARY TRANSFORMATION (SJT)**

### **A SERVICE DELIVERY AGENDA**

**2017-2021**



*From Institutional Capacity Building to Service Delivery*



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## A NEW DEAL FROM THE JUDICIARY

The Judiciary in Kenya bears the distinction of being the arm of government that has consistently made efforts to reform. It has done this through committees that were appointed to make recommendations on various aspects of judicial service. The earliest documented report was made by the Fleming Commission in 1960. It was to be followed by 13 other committees in between, the last of which was the *Task Force on Judicial Reforms* headed by Justice William Ouko in 2010. Each of the committees sought to make the institution more accessible and responsive to the needs of the people it serves. This would enhance public confidence in an institution that is critical in enforcing the rule of law.



A major turning point in the Judiciary reform processes occurred in 2010 when Kenya's new Constitution was promulgated. The new Chief Justice, Dr Justice Willy Mutunga, launched the *Judiciary Transformation Framework (JTF), 2012-2016* which laid the roadmap for an ambitious transformation agenda. JTF has been very successful in meeting its objectives, guided by its underlying philosophy of *laying the foundations of Judiciary transformation*. Thus, in the last five years, the JTF record of institutional building and capacity enhancement is impressive: new High Court and Magistrates Court stations have been established in Counties; the Court of Appeal has been decentralised; more judges, magistrates, and kadhis have been recruited; court infrastructure has been built or improved countrywide, management systems and processes have been put in place; nearly 40 policies, plans, manuals and regulations have been developed and published; key employees have been hired and their terms and capacities significantly improved; training has been revived; the budget has been increased and revenue collection has dramatically shot up; a data culture has been introduced and several service delivery pilot projects have been undertaken.

The total sum and effect of these developments is that the total transformation of the Judiciary has now reached the take-off stage: all the pre-conditions for take-off and steady growth to excellence in service delivery are in place. It is for this reason that this next phase is predicated on the theme *Sustaining Judiciary Transformation for Service Delivery*.

The next phase of transformation will be undertaken from a bottoms-up perspective. Each court station will be required to prepare its own Service Delivery Charter on the basis of which its

performance shall be judged. The real transformation of the Judiciary will only be achieved if the citizen experiences a qualitative difference in the services we offer to them.

As codified in this document, *Sustaining Judiciary Transformation (SJT): A Service Delivery Agenda*, this phase will shift focus away from institutional building and capacity enhancement to enhancing service delivery. In this phase, rather than concentrating efforts at renewed institutional reforms, interventions will focus on completing and consolidating those reforms, but emphasising the improvement in the speed and quality of service delivery in the Judiciary by increasing efficiency and effectiveness at individual and system levels, as well as individual accountability for performance.

The shift towards quality service delivery will be achieved through a series of interventions, including: (a) Automation, Digitization and Improvement of work methods (b) Operationalization of development systems (c) Enhancing individual accountability (d) Enhancing institution accountability (e) Entrenching performance measurement and monitoring and evaluation (f) Entrenching policies and manuals already developed.

It is important to reiterate that the independence of the Judiciary as an institution will remain sacrosanct as constitutionally proclaimed, as well as the decisional independence of judges and judicial officers. The Judiciary will engage in constructive dialogue with other arms of government and other stakeholders without compromising on its institutional independence. The Judiciary will continue supporting devolution in a number of ways including the establishment of High Court stations by December 2018 in the few remaining counties.

Even as the SJT builds on the progress the Judiciary has made over the years in its quest for reforms it, however, represents a New Deal for Kenyan people, focussing on enhancing service delivery through targeted improvement of work methods and a dynamic corporate culture that emphasises integrity, individual and institutional accountability, and measureable performance standards.

**My commitment for enhanced service delivery by the Judiciary is at the core of this Strategic Blueprint that I now present to Kenyans.**

*Hon David K. Maraga, EGH*

**CHIEF JUSTICE / PRESIDENT, SUPREME COURT OF KENYA**

## EXECUTIVE SUMMARY

This blueprint discusses in considerable detail the measures that we will be undertaking to achieve the objectives outlined above. The document is divided into six chapters that examine in depth the strategic initiatives that will define the next phase of reforms in the Judiciary.

**Chapter One** focuses on interventions that will be geared towards *enhancing access to justice*. In this regard, to buttress the JTF that focused on access to justice through the establishment of more High Court Stations and decentralisation of the Court of Appeal, among other approaches, the SJT shall focus on the demands in the ‘lower end of justice’ and invest in the establishment of more magistrates courts, especially in sub- counties that do not have them; rolling out of alternative justice systems programmes; expansion of Alternative Dispute Resolution (ADR) mechanisms; promotion and deepening of the Court-Annexed Mediation processes; operationalisation of the Small Claims Court; and full institutionalisation of tribunals.

**Chapter Two** pays attention to the *clearance of case backlog*. Whereas our data shows that backlog has greatly declined by over 50 per cent in the five years to 2017, the rate of decline has not been proportional to the rate and number of recruitment of judges and magistrates. Further, some cases have taken inordinately long periods of time in our court system. These will be given priority and, by December 2018, all cases that are over 5 years old, which total 175, 770 should have all been cleared from our system.

**Chapter Three and Four** address the *challenge of integrity* and the *institutional mechanisms* that will be put in place to deal with this problem. The interventions identified include strengthening the oversight organs of the Judiciary, in particular the Judiciary Ombudsperson and the Directorate of Risk and Audit; delinking Judiciary’s financial accounts from District Treasuries; fast-tracking JSC Disciplinary processes and working more closely with external integrity institutions such as Ethics and Anti-Corruption Commission. The restructured office of the Judiciary Ombudsperson shall be headed by the Deputy Chief Justice, supported by a fully established Secretariat.

Other interventions to enhance transparency and accountability will include full automation of revenue and deposits receipting and accounting; gazetting the Judiciary Fund Regulations; finalising the institutional organisational structure and job descriptions; institutionalising performance measurement and management and appraisal through strengthening of the Performance Management and Measurement Understandings (PMMUs) and Performance Appraisal (PAS). We shall also undertake targeted lifestyle audits.

**Chapter Five** expounds on the new *Judiciary Digital Strategy*. Under the SJT, the ICT systems are divided into five categories (a) **Judicial Operations Support Systems** which include registry and case management, calendaring and citizen-centric communications. Everything outside the courtroom that supports the delivery of justice will be subsumed under this category (b) **Court Management Systems** which includes all the in-court systems that support the determination of cases and includes stenography and transcription, legal references and searches, note taking support and document composition, security and distribution (c) **Enterprise Resource Planning**. All administrative capabilities including financial, asset, facility, human resource management and the common corporate support systems come under this category (d) **Document and Archive Management** involving digitization, archiving, curation, publication and distribution of extant legal documents (e) **ICT Infrastructure** to support ICT infrastructure such as networks, internet access, security and disaster recovery capabilities. All court stations shall have internet and WIFI connectivity by March 2017.

**Chapter Six** addresses *Leadership and Governance* issues that the SJT will give priority to. These include the protection of the independence of the Judiciary, expansion of the Judiciary Leadership Advisory Council (JLAC); Staff Welfare; Infrastructure; National Council on the Administration of Justice (NCAJ) and Court Users Committees (CUCs); Training and Traffic Sector Reforms. The Judiciary will continue to support devolution, establish High Courts in the remaining nine counties by December 2018 and set up magistrate courts in 290 sub- counties in a phased manner.

Whereas the SJT provides the broad institution-wide framework for better service delivery, and whose implementation will be overseen by a Committee headed by the Deputy Chief Justice, the next phase of transformation will be undertaken from a bottoms-up perspective. Therefore, each court station is required to prepare its own Service Delivery Charter on the basis of which its performance shall be judged. The real transformation of the Judiciary will only be achieved if the citizen experiences a qualitative difference in the services we offer to them.

## ACRONYMS

<b>ACM</b>	Active Case Management
<b>ADR</b>	Alternative Dispute Resolution
<b>AJS</b>	Alternative Justice Systems
<b>BYOD</b>	Bring Your Own Device
<b>COG</b>	Council of Governors
<b>CRM</b>	Customer Relationship Management
<b>DCRT</b>	Daily Court Returns Templates
<b>EACC</b>	Ethics and Anti-Corruption Commission
<b>EDR</b>	Election Dispute Resolution
<b>ERP</b>	Enterprise Resource Planning
<b>ICM</b>	Integrated Case Management
<b>ICMS</b>	Court Management System Committee
<b>JATS</b>	Judiciary Automated Transcription System
<b>JCloud</b>	Judiciary Cloud
<b>JFMIS</b>	Judiciary Financial Management Information System
<b>JLAC</b>	Judiciary Leadership and Advisory Council
<b>JSC</b>	Judicial Service Commission
<b>JTF</b>	Judiciary Transformation Framework
<b>JTI</b>	Judiciary Training Institute
<b>LMC</b>	Leadership and Management Committees
<b>MAC</b>	Mediation Accreditation Committee
<b>NCAJ</b>	National Council on the Administration of Justice
<b>OAG</b>	Office of the Auditor General
<b>OJO</b>	Office of the Judiciary Ombudsperson
<b>PAC</b>	Public Accounts Committee of Parliament
<b>PAS</b>	Performance Appraisals
<b>PMMUs</b>	Performance Management and Measurement Understandings
<b>PMU</b>	Performance Management Directorate
<b>PPDT</b>	Political Parties Disputes Tribunal
<b>QMS</b>	Queue Management Systems
<b>RRIs</b>	Rapid Results Initiatives
<b>SIMR</b>	Implementation, Monitoring and Reporting Committee
<b>SJT</b>	Sustaining Judiciary Transformation
<b>VoIP</b>	Voice over Internet Protocol
<b>VPN</b>	Virtual Private Network



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# Chapter 1

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## **ACCESS TO JUSTICE AND CLEARING OF CASE BACKLOG**

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### **AN AGENDA FOR SUSTAINING JUDICIARY TRANSFORMATION IN THE TAKE-OFF STAGE**

## 1.0 Role of the Judiciary in Enhancing Access to Justice

### 1.1 Overview

As the arm of government that is vested with delegated authority from the people to exercise judicial authority, the Judiciary has a Constitutional obligation to ensure access to justice for all Kenyans regardless of one's status, gender, income, background, ethnic or national origins and special needs. Access to justice is a constitutional right enshrined in the Bill of Rights.

"JTF identified strategies aimed at creating a legal system which ensures equality of all people before the law."

**Article 48** of the Constitution provides that:

*"The State shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice."*

**Article 6 (3)** requires a national state organ (such as the Judiciary) to "...ensure reasonable access to its services in all parts of the Republic, so far as it is appropriate to do so having regard to the nature of the service."

Further, **Section 12** of the **High Court (Organization & Administration) Act, 2015** also requires the Chief Justice, in consultation with the Principal Judge, to facilitate reasonable and equitable access to the services of the Court and establish at least

one station of the Court in every county.

The Judiciary Transformation Framework (JTF) 2012-2016 interpreted the constitutional delegation of authority as obligating the Judiciary to exercise this delegated authority for the benefit of all the people of Kenya and identified strategies aimed at creating a legal system which ensures equality of all people before the law.

The JTF clustered strategies to ensure

*Access to Justice* into three

Key Result Areas: Access to Delivery of Justice, People-Centredness as well as Public Engagement, and Stakeholder Engagement.

### 1.2 The Judiciary Transformation Framework and Access to Justice.

Much progress was made in the last four years under these JTF Key Result Areas in enhancing Access to Justice. Some of the key successes included the following:

- establishment of more courts as a strategy to reduce distance to court for litigants especially in far-flung areas;
- increasing the number of mobile courts and establishment of a policy and strategy to ensure their efficiency and effectiveness;
- development of a Litigants' Charter;
- establishment of a Customer Care Desk in every court station;

- e. development of Registry manuals for each court level;
- f. development of a model and rules for the Court-Annexed Mediation programme and piloting of the same;
- g. establishment of a Taskforce to suggest ways of promoting and mainstreaming Alternative Justice System;
- h. gazettment of Article 22 Rules on Petitions to enforce Fundamental Rights;
- i. adoption of Disability Mainstreaming Policy which provides reasonable accommodation for both employees and court users;
- j. commissioned a Survey on causes of case delay;
- k. enactment of Sexual Offences Rules to provide protection to vulnerable witnesses and victims of sexual offences;
- l. development and adoption of Sentencing Policy and Guidelines;
- m. development and adoption of Bail and Bond Policy and Guidelines;
- n. the enactment of the Small Claims Court and the Legal Aid Act;
- o. the enhancement of pecuniary jurisdiction of Magistrates Courts;
- p. the employment of more judges, magistrates, kadhis and Judiciary staff;
- q. development and piloting of

Performance Measurement, Management and Evaluation tools for the Judiciary;

- r. development of Daily Court Returns Templates (DCRT); and
- s. physical audit of cases and case census data on pending cases.

### 1.3 Justification of Shift of Focus

A glimpse of this illustrative list shows that much of the great work done in the last five years has focussed on institutional building and capacity enhancement, consistent with JTF's founding logic of "laying the foundation of Judiciary transformation". Thus, infrastructure has been built or improved, systems and processes have been put in place, numerous policies and manuals have been developed and published, key employees have been hired and their terms and capacities improved, training has been revived, the budget has been increased, a data gathering culture has been introduced, and several pilot projects have been undertaken. The JTF was premised on laying the foundation for

Judiciary transformation, which it has satisfactorily done. This next phase, therefore, is predicated on sustaining Judiciary transformation for service delivery

"This next phase, therefore, is predicated on sustaining Judiciary transformation for service delivery."

In terms of enhancing access to justice, the Judiciary has reached the take-off stage: all

the pre-conditions for take-off and steady growth to excellence in service delivery are in place.

#### **1.4 Way forward: The New Focus on Access to Justice.**

In the next phase of Judiciary's Transformative Agenda, the focus will shift from institutional building and capacity enhancement to enhancing service delivery through:

- a. improvement of work methods;
- b. operationalization of development systems;
- c. enhancing individual accountability;
- d. enhancing institutional accountability;
- e. entrenching performance measurement, monitoring and evaluation; and
- f. entrenching policies and manuals.

In the next phase, also, there will be specific focus on making justice more pro-poor through simplified and targeted citizen-centric practices in Court Registries and strategic interventions to improve the speed and quality of justice in certain cases which overwhelmingly affect poor people and *pro se* litigants. Whereas High Court stations will be established in the remaining counties as required by law, priority will be given to establishment of magistrate courts within the counties at sub-county levels.

Consequently, the vision for Access to Justice under this phase is one of sustaining Judiciary Transformation by focusing on enhancing service delivery through targeted

improvement of work methods and prudent ethical and integrity systems emphasizing measurable performance standards.

In this phase, rather than concentrating efforts at renewed institutional reforms, interventions will focus on improving the speed and quality of service delivery in the Judiciary by increasing efficiency and effectiveness at individual and system levels, as well as individual accountability for performance. Hence, key interventions will be aimed at sharpening individual performance and individual accountability.

#### **1.5 The Four Principles for Enhancing Access to Justice**

- a. **Changing Work Methods:**  
The need to drastically improve the working methods of employees of the Judiciary;
- b. **Focus on Individual Accountability and Institutional Responsibility:**  
A focus on improvement of systems of individual as well as court level performance measurement, evaluation and accountability;
- c. **Enforcing Standards and Policies:** Specific, Measurable and Enforceable timelines for service delivery; and
- d. **Focus on Pro-Poor Practices and Policies**

ISSUE	JTF SUCCESSES (PRE-CONDITIONS FOR TAKE-OFF)	SJT FOCUS (FOR EXCELLENCE IN SERVICE DELIVERY)	KEY INTERVENTIONS, STRATEGIES
1. <b>Approach to Access to Justice</b>	<ul style="list-style-type: none"> <li>Placed focus on institutional development; establishment of policies and increasing human resources capacity</li> </ul>	<ul style="list-style-type: none"> <li>Focus will be placed on implementation of established systems and policies; and enhancing individual performance and accountability</li> </ul>	<ul style="list-style-type: none"> <li>Focus on:</li> <li>Work methods</li> <li>Enhancing individual accountability</li> <li>Use of technology</li> </ul>
2. <b>Physical proximity to courts</b>	<ul style="list-style-type: none"> <li>Established High Courts in 34 counties</li> <li>Established criterion for establishing mobile courts</li> <li>Established new strategic magistrates courts</li> <li>Decentralised the Court of Appeal</li> </ul>	<ul style="list-style-type: none"> <li>Accelerate establishment of High Courts in all counties</li> <li>Using formulated criterion establish and operationalise mobile courts</li> <li>Leverage the efficiencies of the decentralised Court of Appeal</li> </ul>	<ul style="list-style-type: none"> <li>Through strategic partnerships with Governors to provide infrastructure:</li> <li>Establish High Courts in all 47 counties</li> <li>Increase the number of mobile courts using set criterion</li> <li>Continue establishing magistrates courts using set criterion</li> </ul>
3. <b>Backlog Reduction</b>	<ul style="list-style-type: none"> <li>Established data on pending cases</li> <li>Piloted several Rapid Results Initiatives on a national level to reduce case backlog</li> </ul>	<ul style="list-style-type: none"> <li>Normalising backlog reduction and backlog prevention strategies as part of the administration function of Judiciary leaders and judicial officers</li> </ul>	<ul style="list-style-type: none"> <li>Each Court station to localise its backlog reduction strategy which is to form a compact between the Head of Station/Presiding Judge and the CJ.</li> <li>Each Presiding Judge/Head of Station to be personally accountable for the Backlog Reduction Strategy</li> <li>CJ to develop a scorecard for each court station as a mechanism for accountability</li> <li>Establishment of a Court of Appeal station in Nakuru</li> </ul>

ISSUE	JTF SUCCESSES (PRE-CONDITIONS FOR TAKE-OFF)	SJT FOCUS (FOR EXCELLENCE IN SERVICE DELIVERY)	KEY INTERVENTIONS, STRATEGIES
<b>4. Making Justice More Pro-poor</b>	<ul style="list-style-type: none"> <li>Introduced culture change to give justice with a human face</li> </ul>	<ul style="list-style-type: none"> <li>Focus on deliberately making justice more pro-poor especially in certain critical areas which impact the poor more: succession and land matters</li> </ul>	<ul style="list-style-type: none"> <li>Develop a manual and conduct In-house training for registry staff on handling of pro-se litigants</li> </ul>
<b>5. Improving the integrity of court records</b>	<ul style="list-style-type: none"> <li>Established registry manuals for each level of court</li> </ul>	<ul style="list-style-type: none"> <li>Operationalise registry manuals</li> </ul>	<ul style="list-style-type: none"> <li>Each Head of Registry and Head of Station to be personally responsible for the operationalisation of registry manuals</li> </ul>
<b>6. Citizen-centric services and customer care</b>	<ul style="list-style-type: none"> <li>Sensitisation on customer care</li> <li>Customer care curriculum for court registries developed.</li> <li>Piloted SMS services in various courts</li> </ul>	<ul style="list-style-type: none"> <li>Entrench and normalise citizen-centric services and customer care</li> <li>Establish an SMS services in all court stations</li> </ul>	<ul style="list-style-type: none"> <li>Each court station (with help from JTI) to introduce in-house training in customer care and certify to the CJ efforts made</li> <li>Simplified court procedures</li> <li>Simplified forms</li> </ul>
<b>7. Enhancing individual accountability of Judicial Officers and Judiciary Staff so as to improve productivity and service delivery</b>	<ul style="list-style-type: none"> <li>Performance evaluation and measurement standards introduced and piloted</li> </ul>	<ul style="list-style-type: none"> <li>Enhancing and entrenching the culture of performance evaluation and standards</li> </ul>	<ul style="list-style-type: none"> <li>Enforce performance evaluation</li> <li>Introduce clear incentives and penalties for individual performance</li> </ul>



ISSUE	JTF SUCCESSES (PRE-CONDITIONS FOR TAKE-OFF)	SJT FOCUS (FOR EXCELLENCE IN SERVICE DELIVERY)	KEY INTERVENTIONS, STRATEGIES
<b>8. Increasing the Speed and Quality of Justice</b>	<ul style="list-style-type: none"> <li>• Piloting of Judiciary automated transcription system</li> <li>• Judiciary e-Diary system</li> <li>• Judiciary Registry Queue and customer care system</li> <li>• Financial management system</li> </ul>	<ul style="list-style-type: none"> <li>• Roll out of Judiciary automated transcription system</li> <li>• Roll out of Judiciary e-Diary System</li> <li>• Roll out Judiciary registry queue and customer care system</li> <li>• Roll out financial management system(JFMIS)</li> </ul>	<ul style="list-style-type: none"> <li>• Automating court proceedings-filing</li> <li>• Enforce timelines for delivery of judgments and rulings and Litigants' Charter</li> </ul>
<b>9. Use of ADR</b>	<ul style="list-style-type: none"> <li>• Established MAC</li> <li>• Established CAMP and Mediation Rules (Pilot)</li> <li>• Training and sensitisation of judicial Officers</li> </ul>	<ul style="list-style-type: none"> <li>• Normalise Court-mandated mediation and other ADR forms in the Judiciary</li> </ul>	<ul style="list-style-type: none"> <li>• Cascade Court-Annexed Mediation Pilot to all Court Stations</li> </ul>
<b>10. Active Case Management of Cases</b>	<ul style="list-style-type: none"> <li>• Pilot Rules of Active Case Management(ACM) in criminal cases gazetted</li> <li>• High Court (Organization and Administration) General Rules gazetted</li> </ul>	<ul style="list-style-type: none"> <li>• Diffuse and cascade ACM to all court stations</li> <li>• Implement the High Court Organization Rules on expeditious disposal of cases</li> </ul>	<ul style="list-style-type: none"> <li>• After consultations with stakeholders to gazette ACM Rules for all court stations</li> <li>• Sensitise on High Court Organization Rules on expeditious disposal of cases</li> </ul>
<b>11. Number of Judicial Officers and Judiciary Staff</b>	<ul style="list-style-type: none"> <li>• Increase number of judges , magistrates and kadhis</li> <li>• Increase number of Judiciary Staff</li> </ul>	Focus on increasing productivity, efficiency and effectiveness of Judiciary Employees	<ul style="list-style-type: none"> <li>• Changing work methods</li> </ul>
<b>12. Use of AJS</b>	<ul style="list-style-type: none"> <li>• Established a Taskforce</li> <li>• Established Pilots</li> </ul>	<ul style="list-style-type: none"> <li>• Learn lessons of AJS and establish AJS policy</li> </ul>	<ul style="list-style-type: none"> <li>• Mainstream AJS</li> <li>• Sensitise Judicial Officers and Stakeholders</li> </ul>
<b>13. Improving the Work Methods of Judicial Officers in the Judiciary</b>	<ul style="list-style-type: none"> <li>• Encouraged innovations and pilots</li> </ul>	<ul style="list-style-type: none"> <li>• Diffuse and disseminate innovations and operationalise them</li> </ul>	<ul style="list-style-type: none"> <li>• Publish a handbook on Best Practices</li> <li>• Sensitise on the best practices</li> </ul>

ISSUE	JTF SUCCESSES (PRE-CONDITIONS FOR TAKE-OFF)	SJT FOCUS (FOR EXCELLENCE IN SERVICE DELIVERY)	KEY INTERVENTIONS, STRATEGIES
<b>14. Implementation of Bail/Bond and Sentencing Policies</b>	<ul style="list-style-type: none"> <li>• Formulation of Bail/Bond Policy and Guidelines</li> <li>• Formulation of Sentencing Policy and Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• Implement the Bail/Bond and Sentencing Policies and Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• Train/sensitise Judicial Officers and Stakeholders</li> <li>• Monitor and evaluation implementation</li> </ul>
<b>15. Small Claims Courts</b>	<ul style="list-style-type: none"> <li>• Small Claims Act enacted</li> </ul>	<ul style="list-style-type: none"> <li>• Operationalise the Small Claims Act</li> </ul>	<ul style="list-style-type: none"> <li>• Formulate and implement a strategy to operationalise the Small Claims Act</li> <li>• Appointment of adjudicators for the small claim courts</li> <li>• Designate courts that will handle small claims matters across the country</li> <li>• Rules and regulations guiding the small claims courts to be developed by the MAC</li> </ul>

# Chapter 2

## **CLEARING CASE BACKLOG**

## 2.0 Case Backlog in the Judiciary

### 2.1 Background and Trends

#### The Judiciary Transformation Framework (JTF) and Case backlog

**Article 159(b)** of the Constitution is categorical that justice shall be delivered without undue delay. The Judiciary Transformation Framework 2012-2016 which consolidated all the recommendations from previous committees outlined several strategies to expedite delivery of justice. The committees and JTF made various recommendations on case backlog which is a major cause of public frustration with the Judiciary.

The recommendations ranged from the recruitment of more Judges, Magistrates, Researchers and staff to improvement of case management practices, reduction of distance to courts by opening of new courts; enactment of a Small Claims Act; use of Alternative Dispute Resolution; Automation of court processes; amendment of various laws, including the Criminal Procedure Code, the Anti-Corruption and Economic Crimes Act and Civil Procedure Rules, enhancement of co-ordination with other government agencies and dissemination of information on court processes to the public.

A majority of these interventions have been undertaken and there is no doubt that significant progress has been made in the efforts to reduce backlog. These efforts have

borne fruit, with the total case load in the Judiciary declining from over one million cases in 2011 to less than 500,000 in 2016.

The Judiciary Central Planning and Project Unit which monitored case backlog in the Judiciary in previous years reported that the Judiciary had a case backlog of 6,551,451; 7,222,516 and 8,335,759 in the years 2004, 2005 and 2006 respectively (source: CPPU). Evidently, the figures that were reported to be the case backlog were of such magnitude as to be insurmountable. The figures were clearly an estimation. It was impossible to solve the problem without accurate data and it was for this reason that the Directorate for Performance Management (DPM) was established in 2012. Its initial efforts were thus focused on ascertaining the extent of the backlog as a necessary precondition for solving the backlog problem. It carried out the first institution-wide case backlog audit.

The findings of the audit were that as at June, **30<sup>th</sup> 2013**, there were **426,508** pending cases in the courts. Of these, 332,430 were civil and 94,078 were criminal. Magistrate Courts had the highest number of pending cases (276,577), followed by the High Court (145,596), Court of Appeal (4,329), and Supreme Court (6). Out of these pending cases, there were 311,852 cases of more than 12 months, which represented 73 per cent of the total backlog.

For the first time, the Judiciary had data that could be used to address the problem of backlog. In the period of the transformation, several efforts were made to address the problem of backlog;

*“For the first time, the Judiciary had data that could be used to address the problem of backlog.”*

#### **a. Recruitment of Judges and Magistrates**

Since the year 2011, the number of judges and other judicial officers has grown to the current 7 Supreme Court judges, 21 Court of Appeal Judges, 128 judges of the High Court and courts of equal status, and 436 magistrates.

#### **b. Establishment of New Courts and Holding of Mobile Sessions**

The Court of Appeal has de-centralised from Nairobi to the regions. The Court’s permanent seats are now in Nairobi, Kisumu, Malindi and Nyeri. It has established sub-registries in Nakuru, Eldoret, Kisii, Mombasa, Bungoma, Busia and Meru, where circuit courts are in operation.

The High Court has also witnessed establishment of new stations. Between the year 2012 and 2016, the High Court expanded from 16 Counties to 36 Counties with an establishment of 38 High Court stations and 2 High Court sub-registries. In addition,

the High Court has also been carrying out monthly mobile sessions in Narok before the court was inaugurated as a High Court Kakuma, and Loitokitok. January 2017 saw the inauguration of an additional three High Court stations at Narok, Nyahururu and Makueni.

As at the beginning of 2017, there were 120 Magistrates courts in the country. There are an additional 59 functional mobile courts across the country, mostly in far-flung areas in Bangale, Ijara, Daadab, Modogashe, Zombe, East Pokot, Karaba, Faza Islands, Wamba, Laisamis/Merille, Lokichar, Lokitaung, Lokichoggio, Merti, Archers Post, Songhor, Kipini, Kapsokwony, Kisanana, Baragoi, Kasigau, Rumuruti, Kiambere, Nyatike, North Horr, Loiyangalani, Tago, Murua Dikir (Transmara East), Kathangacini, Kuresoi, Sio Port, Ngobit, Olokurto, Bura, Habaswein, Bute, Elwak, Rhamu, Borabu, Migwani, Kikima, Kendu Bay, Navakholo, Mikinduri, Kibiyet, Gaitu, Garbatulla, Tot, Wamunyu, Alale, Marafa, Sololo, Magunga, Sigor, OlKalou, Khwisero, Magarini and Kachibora.

Other measures were also taken to improve access to justice as follows:

- a.** Court annexed mediation was launched in the Family and Commercial Divisions of the High Court of Kenya
- b.** Practice Directions were developed in the Court of Appeal to increase

- efficiency
  - c. The Court of Appeal was devolved to Kisumu, Nyeri and Malindi
  - d. 19 new High Court stations were opened
  - e. 59 mobile magistrates courts were opened in far-flung areas
- 316,441, while that of February, 2016 show a case backlog of 338,498 out of which 62,505 cases were over 10 years old and 75,274 cases were 5-10 years old.
- 2.2.1 Case Backlog as at 31<sup>st</sup> December 2016.*

## 2.2 Case Backlog: Current Status

In spite of these significant gains, the problem of backlog remains. Even as other cases are cleared, new cases are filed every day. The Judiciary has been able to reduce pending cases from over **one million in 2010** to an average of **530,000 cases**. A Case Audit and Institutional Capacity Survey undertaken in 2013 revealed a case backlog of

As at December 2016, there were a total of 505,315 pending cases in the court system up from 494,377 at the beginning of 2016/17 financial year. Table 1 shows that, as at 31<sup>st</sup>

*“As at December 2016, there were a total of 505,315 pending cases in the court system up from 494,377 at the beginning of 2016/17 financial year.”*

December 2016, 360,284 cases were backlog out of which 175,191 cases were over 5 years old, 95,284 cases were 2-5 years old while 90,950 were 1-2 years old.

**Table 1: Case backlog per court type and age.**

Court type	1-2 years	3-5 years	Over 5 years	Total
Supreme Court	36	22	0	58
Court of Appeal	688	756	715	2,159
High court	20,599	25,804	58,487	104,890
Environment and Land Court	272	679	5	956
Employment and Labour Relations Court	2,614	2,552	5,709	10,875
Magistrates Courts	62,780	57,579	106,134	226,459
Kadhis' Courts	0	373	0	373
<b>All courts</b>	<b>90,950</b>	<b>94,705</b>	<b>175,770</b>	<b>360,284</b>

### 2.3 Case Backlog: The Way Forward

Going forward, and to expedite delivery of justice to Kenyans, **the following steps shall be taken.**

No.	Activity
1	Judiciary will establish High Court stations in the remaining nine counties of <ul style="list-style-type: none"> <li><b>Kwale, Lamu, Wajir, Mandera, Isiolo, Samburu, Elgeyo-Marakwet, Nandi and Vihiga.</b> Construction of appropriate High Court buildings is on-going in all these counties, apart from Lamu, Nandi and Elgeyo Marakwet where there are engagements with County Governments to have land acquired.</li> </ul>
2	Magistrate courts to be established in all the 290 sub-counties.
3	Courts to carry out Service Weeks and <b><i>Justice@Last Initiatives</i></b> <ul style="list-style-type: none"> <li>with the aim of reducing case backlog, with each court station determining how many service weeks are needed. Each Court Station to draw its own trackable Case Backlog Reduction Strategy.</li> </ul>
4	<b>Eradicate Missing Files</b> <ul style="list-style-type: none"> <li>This will be addressed by computerizing court registries, strict monitoring and audit of file movement registers, reconstruction of any missing files within 21 days and taking disciplinary action against judicial staff responsible.</li> </ul>
5	<b>Full Attendance of Witnesses</b> <ul style="list-style-type: none"> <li>Cases will be dismissed where police fail to bond witnesses in time and explaining the consequences of non-compliance with court summons to the public through Service Delivery Charters</li> </ul>

No.	Activity
6	<b>Advance Communication of Adjournment of cases</b> <ul style="list-style-type: none"> <li>Except in special situations, communicating adjournments will be seven days in advance to advocates and litigants. Monitoring compliance will be quarterly and annually through PMMUs.</li> </ul>
7	<b>Ensure Proper Documentation During Trials</b> <ul style="list-style-type: none"> <li>All documents shall be made available at the pre-trial stage.</li> </ul>
8	<b>Coordination Between Judiciary and other Agencies</b> <ul style="list-style-type: none"> <li>CUCs to work in every court, develop multi-sectorial guidelines touching on prisons, police, public prosecution and probation with clear duties and responsibilities of each agency.</li> </ul>
9	<b>Hearing &amp; Delivery of Judgements</b> <ul style="list-style-type: none"> <li>Hearing of cases and delivery of judgements and rulings will be done in an open court as a matter of policy.</li> </ul>
10	<b>Fixing of Dates in Civil Matters</b> <ul style="list-style-type: none"> <li>Fixing of dates in civil matters shall be with strict adherence to timelines provided in the Civil Procedure Act and Rules.</li> </ul>
11	<b>Service Delivery Charters</b> <ul style="list-style-type: none"> <li>Each Court Station will develop a Service Delivery Charter to be published and displayed prominently in each station. The Charter shall also include fees payable by the public for each service.</li> </ul>
12	<b>Recording of Court proceedings</b> <ul style="list-style-type: none"> <li>Digitalization and recording of proceedings in all courts shall be implemented to improve on speed and efficiency. The procurement of speech-to-text converters is already underway to speed up delivery of judgements and rulings</li> </ul>
13	Each court shall implement recommendations made in the Judiciary Case Audit and Institutional Capacity Report of 2016.
14	All stations shall develop an Action Plan to finalize all cases older than five years by <b>December 2018</b> . <ul style="list-style-type: none"> <li>The Station plans shall be submitted to the Hon Chief Justice by 31<sup>st</sup> January, 2017. This plan should be incorporated in the Performance Management and Measurement Understanding for the current financial year 2016/2017, already signed by Courts. The Directorate of Performance Management shall monitor progress of implementation of the action plans and prepare progress reports for the Hon Chief Justice.</li> </ul>



No.	Activity
15	<p><b>Practice Guidelines</b></p> <ul style="list-style-type: none"> <li>The development of Station based Case Backlog Reduction Strategy will, however, also be guided by the following:             <ol style="list-style-type: none"> <li><b>First-in-first-out policy:</b> Courts setting aside one week every month to hear old cases; starting February, 2017, courts shall list matters that have been inactive for more than ten (10) years and thereafter there shall be continuous listing of inactive cases; dates shall be given in court for matters filed in the year 2012 and earlier upon adjournment; the courts should ensure that the same is monitored and reviewed as and when necessary; the Court of Appeal and High Court shall fast track matters where stay orders have been given affecting proceedings in High Court and Magistrates Courts respectively; and plea bargaining shall be encouraged in criminal cases.</li> <li>Institutionalization of Performance Management and Measurement- the Directorate of Performance Management shall prepare monthly reports on the performance of the various courts for sharing among all the Judges and Magistrates. The Directorate of Performance Management shall also develop a tool to monitor the work of Executive Officers/Court Administrators and Registry staff to ensure efficiency and effectiveness.</li> <li><b>Streamlining Registry Processes-</b> Enhanced Registry processes through automation by fast tracking the various ICT initiatives such as e-Filing, e-Diary, Transcription of Court proceedings, and electronic payment of court fees, fines and deposits to increase efficiency. Registries shall be reorganized to separate pending from concluded files. All matters with no activity shall be given hearing dates. Each Head of station and Deputy Registrar shall be held accountable for implementation of the various registry manuals and operationalisation of the checklists in the manuals. Registries shall ensure continuous typing of proceedings.</li> <li><b>Court administration and transfer policy-</b> A court administration policy shall be developed to guide in court administration. As much as possible there shall be adherence to the transfer policy. Sufficient notice should be given to enable completion of part-heard matters.</li> </ol> </li> </ul>
16	<p><b>Other measures</b></p> <ul style="list-style-type: none"> <li>The Small Claims Court Act will be operationalised by the development of the Rules and Regulations, appointment of adjudicators, and gazettelement of the designated courts.</li> <li>An Environment and Land Court shall be established in every county;</li> <li>The Civil Procedure Rules shall be amended to allow Deputy Registrars to dismiss inactive cases;</li> <li>An Implementation Team or committee shall be constituted to fully implement the Court Annexed Mediation from the current pilot phase in Family and Commercial Divisions.</li> <li>Together with the Attorney General start the implementation process of the Legal Aid Act to offer support to the poor and the indigent in the society be able to access justice.</li> </ul>

In addition to these generic interventions to reduce case backlog, each level of court will also undertake various measures as itemised below:

**a. Supreme Court**

The prime objective of the Supreme Court will be to hear and determine the 25 cases whose age is between 1 to 2 years by December 2017; and further fix cases with no date of next activity for hearing immediately. Additionally, cases from the Court of Appeal shall be fast tracked as they comprise the bulk of the pending matters in this court.

**b. Court of Appeal**

The overall objective of the Court of Appeal will be to reduce the waiting period for hearing and determination of appeals to one year, as has been demonstrably shown by out stations of the Court. In this regard, several measures will be undertaken:

**First**, additional Judges of the Court will be employed to satisfy the full complement of the Court which stands at 30. This will permit further decentralization of the Court to other regions of the country starting with Nakuru which will serve the South and Central Rift Valley. **Second**, we shall ensure continued compliance with the Case Management

Mentions and Practice Directions to eliminate problems of unnecessary adjournments. **Third**, the Court of Appeal in Nairobi, just like in other Court of Appeal stations, will operate on a basis of permanent benches. **Fourth**, the Judges of the Court of Appeal will be sitting for four (4) days a week to hear applications and appeals. **Fifth**, the cause list will be prepared and cases will be heard on a first- in first –out basis. **Sixth**, for proper case management, the court will strive to consolidate the hearing of both the Interlocutory applications and the main appeal for the purposes of a speedy determination of the substantive matter.

**c. High Court**

**First**, the High Court will put in place exceptional measures to be instituted as their main objective is to clear pending murder and criminal appeals, which comprise 26 and 58 per cent of all pending criminal cases respectively. **Second**, the court shall clear pending cases and prioritize those that are between 3 and 5 years which is 39 per cent as well as finalization of the 13 per cent of those that are above 5 years.

**d. Employment and Labour Relations Court**

**First**, the overall objective of the Employment and Labour Relations Court shall be to provide Specific interventions which shall be prioritized for Nairobi ELRC, which has 66 per cent of all pending ELRC matters. **Secondly**, Judges in other stations shall assist with handling matters for Nairobi ELRC. **Thirdly**, the Court shall prioritize handling of 772 and 32 pending cases, which are between 5 to 10 years and over 10 years respectively. **Fourthly**, the court shall conduct a survey to find out the reasons for pendency of such cases given that ELRC matters could be affecting labour and capital as factors of production.

**e. *Environment and Land Court***

The Environment and Land Court shall initiate special interventions for Nairobi station, which has 21 per cent of all pending ELC matters. The court shall further engage judges from other stations to handle backlog cases for Nairobi station.

**f. *Magistrates Courts***

Magistrates Courts shall, through *Justice@ Last* initiatives and Rapid Results Initiatives (RRIs) for stations, prioritize the 34,966 cases which have been pending for over 10 years,

and 50,448 cases which have been pending for between 5 and 10 years.

**Second**, the Courts shall initiate archiving processes for all the old resolved cases and dispose of old files for resolved cases to ease up office space. **Third**, the courts must maintain updated registers indicating pending and resolved cases and establish a Bring Up System. **Fourth**, the Anti-Corruption cases in Milimani shall continue with back-to-back hearings to ease case backlog. **Fifth**, the Courts shall track progress on cases with high public interest notably, but not limited to, terrorism, sexual offences, counterfeits and trademark cases, abuse of office and economic crimes.

**g. *Kadhis Courts***

Kadhis Courts have expanded considerably over the last five years, and they are well spread out throughout the country. These courts shall, **first**, institute measures and/or procedures to handle divorce cases, which comprise the bulk of pending cases at 65 per cent. **Second**, the court shall expedite matters which have been pending in Kadhis courts for over five years. **Third**, the court shall organize working circuits for Kadhis such that Kadhis in less busy courts can aid in clearing backlog in busy Kadhi courts.

***h. Tribunals***

Under **Article 169 (d)** of the Constitution, a joint committee of the Judiciary and the Kenya Law Reform Commission was set up on 15<sup>th</sup> June 2014 by the former Chief Justice Willy Mutunga and the AG to come up with modalities, structures and legislative processes of transition for the quasi-judicial tribunals that were previously under the Executive arm of the government into the Judiciary. The Committee, under the chairmanship of Hon Justice Kathurima, JA, has completed its report and submitted its recommendations and the draft

Tribunal Bill, 2015 to the AG for his further input and submission to Parliament for debate.

We shall pursue the enactment of this Bill and establish the Office of Registrar for Tribunals. At the beginning of 2017, 15 Tribunals were under the Judiciary, and this number is

expected to grow.

The tribunals will reduce the number of cases being filed in the Courts.

*“At the beginning of 2017, 15 Tribunals were under the Judiciary, and this number is expected to grow.”*

# Chapter 3

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## **INTEGRITY, FIGHT AGAINST CORRUPTION & RE-ORGANIZATION OF JUDICIARY COMPLAINTS HANDLING MECHANISMS**

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### 3.0 INTEGRITY AND CORRUPTION IN THE JUDICIARY

#### 3.1 Overview

The Constitution places great emphasis on Integrity. The emphasis is highlighted in **Article 10(2)(c)**, wherein Integrity constitutes one of the national values and principles of governance; Chapter Six of the Constitution which is dedicated to Leadership and Integrity; and **Article 166(2)(c)** which requires a judge of a Superior Court to be appointed from among persons who have a high moral character, integrity and impartiality. Corruption is the antithesis of integrity and has been cited as one of the major impediments to the delivery of justice.

Surveys carried out by the Ethics and Anti-Corruption Commission (**EACC**) between 2007 and 2015 show that the levels of corruption in the Judiciary are high and have been fluctuating over the years. For instance, the National Enterprise Survey Report of 2007 ranked the Judiciary as the fifth most corrupt public institution. In the surveys of 2009, 2011 and 2015, the Judiciary was perceived to be the 6<sup>th</sup> (by 8.7% of the respondents), 9<sup>th</sup> (by 4.8% of the respondents) and 4<sup>th</sup> (by 4.8% of the respondents) most corrupt public institution, respectively.

In the recent past, there have been efforts to deal with corruption in the Judiciary. They include;

a. the formation of committees and

issuance of reports such as the Report of the Committee on the Administration of Justice of 1998 (the Kwach Committee);

b. the Report of the Integrity and Anti-Corruption Committee of 2003 (The Ringera Committee); and the Report of the Ethics and Governance Sub-Committee of the Judiciary of 2006 (The Onyango Otieno Report). The reports made various recommendations to tackle corruption in the Judiciary.

The enactment of the Constitution of Kenya, 2010, was also a major milestone as a way of dealing with corruption in the Judiciary. For instance, the Constitution of Kenya, 2010 establishes the Judiciary as an independent arm of government under Article 160. This cushions the Judiciary from interference in its decisions. The Constitution further grants independence to the Judiciary through Article 171 which establishes the Judicial Service Commission.

The vetting of judges and magistrates who were in office on the date of promulgation of the Constitution to determine their suitability to continue serving was also a major effort to deal with corruption in the Judiciary. A list of 316 judges and magistrates was submitted for vetting, out of which 18 were not vetted for various reasons, and 11 Judges and 14 magistrates were found unsuitable.

### **3.2 Causes of Corruption in the Judiciary**

The existence of various causes of corruption in the Judiciary can be attributed to many factors. They include: poor terms and conditions of service; bad deployment and transfer policies and practices; delays in the hearing and/or determination of cases; non-merit based recruitment and promotion; greed; ignorance by the public of their legal rights, court processes and the law; existence of wide discretion on the part of the judicial officers in both civil and criminal matters; entrenched culture of corruption in the society as a whole; excessive workload due to insufficient personnel and inadequate equipment; inaction or ineffective action against identified corrupt Judges, judicial officers and staff; inadequate or non-existent supervision of Judges, judicial officers and staff; protection of corrupt officers; and loss or misplacement of court files.

Other causes of corruption in the Judiciary include: interference by the Executive; retention in service of judicial officers after attaining the compulsory retirement age; conflict of interest on the part of judicial officers; inherent delays in the legal system; existence of procedural rules and regulations which are conducive to corruption; lack of sensitization of judges, judicial officers and staff on corruption issues and anti-corruption legislation; poor accessibility of judicial services; widespread phobia for court and the legal processes; fear for the poor conditions in

prisons and remand homes; fuelling corruption to avoid jail terms; lack of clear organization structures and job descriptions in the Judiciary; lack of or non-adherence to laws, regulations, policies and procedures manuals; and lack of a comprehensive policy on recruitment of students on internship/pupilage, induction, supervision and clear guidelines on access to documents and handling of information.

### **3.3 Forms of Corruption in the Judiciary.**

Various institutions, Judiciary committees, external and internal audits have identified various forms of corruption in the Judiciary. These include bribery; abuse of office; favouritism, absenteeism; missing files; adjournment of cases; delay in court processes; inconsistency in issuance of bail/bond and haphazard handling of exhibits; embezzlement of revenue and deposit funds; delayed payment of suppliers and staff; non-adherence to public procurement laws and regulations; non-adherence to the Public Finance Management Act and Regulations and Judiciary Circulars on financial management; and fraud/irregular payments.

Other forms of corruption include: delay of the trial process; delay in the delivery of judgements and rulings; drawing pleadings for litigants; employment of relatives and friends; undue familiarity between judicial officers and litigants as well as advocates; undue familiarity between senior judges, judicial officers and their junior staff members; the

“forum shopping” for specific judicial officers to hear cases; the mis-listing or non-listing of matters on the cause lists; entertainment of litigants in Chambers; the hearing of cases that are outside a particular court’s jurisdiction; the unexplained adjournment of matters; outright wrong and unreasoned interpretations of the law or judgements; the giving of certain matters preferential hearing dates without proper explanation; giving ex-parte and at times final orders without observing the basic legal tenets; delivering judgements on dates other than those scheduled without adequate explanation; and the irregular registration of pleas.

### **3.4 Institutionalizing Integrity and the Fight Against Corruption under Constitution 2010**

Other efforts instituted by the Judiciary to tackle corruption in the Judiciary under the new Constitution 2010 included the establishment of the Office of the Judiciary Ombudsperson; formulation of the JTF; preparation of strategic plans; establishment of the Inspectorate Unit under the Judicial Service Commission (JSC); establishment of the Performance Management Directorate (PMU); Performance Management Steering Committee and Performance Management Understandings; establishment

of the Audit and Risk Management Directorate; formulation of the Bail and Bond Policy; formulation of the Sentencing Policy Guidelines; and development of the Transfer Policy and Guidelines for judges.

### **3.5 Sustaining the Fight Against Corruption for the Period 2017-2021**

Integrity is a good virtue that all judges, judicial officers and staff should strive to uphold. The fight against corruption will be centred on strengthening oversight organs in the Judiciary such as the Judiciary Ombudsperson; Directorate of Audit and Risk; automation of Judiciary administrative processes and court proceedings; strict implementation of Judiciary policies; strengthening and speeding up the disciplinary processes; collaboration with the Ethics and Anti-Corruption Commission and clarifying the organisational structures of the Judiciary.

An anti-corruption mapping exercise has prepared an anti-corruption Action Plan for enhancing integrity and tackling corruption in the Judiciary that will be implemented.

The Action Plan identifies various strategies, outcomes, timelines and responsible offices for enhancing integrity and tackling corruption in the Judiciary. These include:

- a. preparation of organization structures and

*“An anti-corruption mapping exercise has prepared an anti-corruption Action Plan for enhancing integrity and tackling corruption in the Judiciary that will be implemented.”*



job descriptions for the administrative division of the Judiciary by April, 2017;

- b. undertaking a comprehensive job evaluation to determine the optimal staffing levels in all areas and filling all vacant positions by February, 2018;
- c. improvement of terms and conditions of service by reviewing the schemes of service and developing schemes of service for categories of staff that do not have by June, 2017, ensuring transparent and meritorious recruitment and promotion of judicial officers and staff and vetting all applicants considered for various positions for integrity, enforcing and monitoring transfer policies and guidelines for judges, judicial officers and staff, reviewing the medical scheme to ensure that it meets all the needs of the members of the Judiciary and their immediate family, and assessing the prevailing security situation continuously and providing adequate security to the judicial officers, based on a risk assessment;
- d. dealing with indiscipline and lack of professional ethics through reviewing the Judiciary Code of Conduct by June, 2017, reviewing and concluding all pending disciplinary cases and disciplining all staff with integrity

issues swiftly;

- e. carrying out a comprehensive training needs assessment to determine the training needs of the Judiciary by June, 2017 and provide trainings based on the needs assessment;
- f. institutionalizing Performance Management and Measurement and Appraisal through strengthening of Performance Management and Measurement Understandings (PMMUs) and Performance Appraisals (PAS), ensuring that all units that have not prepared service delivery charters do so by the end of June, 2017, and commencing ISO certification by July 2017 and having the process completed within one year;
- g. enhancing Integrity in Court Registries and Management of Court Records through computerization of registries and recruitment, deployment and training of professionally qualified staff to take charge of the registries and review and monitor the implementation of the current registries operational manuals. These activities should be completed within the next three years, such that by the end of 2019, all court registries across the country should be fully computerized;

- h. Addressing weaknesses in Financial Management by gazetting the Judiciary Fund Regulations to operationalize the Judiciary Fund by July, 2017, delinking all court stations from the District Treasuries by July, 2018, Automation of Revenue and Deposits Receipting and Accounting by July, 2018, enhancement of e-Payment Systems at all court stations by July, 2017, complete reconciliation of deposits in the Judiciary by July, 2017 and ensure that outstanding deposits are reconciled to the deposits bank balances monthly, ensure compliance with the public finance management laws and regulations, ensure the Judiciary Finance Policy and Procedures manual is reviewed to be consistent with the provisions of the Public Finance Management (National Government) Regulations, 2015, Judiciary Fund Act, 2016 and Regulations and other relevant public finance management laws and regulations;
- i. address weaknesses in Procurement and Contracts Management by ensuring adherence to Public Procurement Laws and Regulations, complete the preparation of a Procurement Policies and Procedures Manual by April, 2017, and operationalizing a legal services office under the office of the Chief Registrar of the Judiciary to be responsible for reviewing and monitoring contracts;
- j. address weaknesses in Assets Management by ensuring that each court station keeps an up to date inventory of all assets including title deeds to land belonging to the judiciary, the Judiciary investigates the grabbing of its land, and the processing of title deeds for land belonging to the Judiciary is finalized in respect of all stations;
- k. comprehensive Auditing and Implementation of Audit Recommendations through strengthening of the Audit and Risk Management Directorate by March, 2017, Monitoring and Enforcing the Implementation of Internal Audit Recommendations, with the status of implementation being reported to the Audit, Governance and Risk Management Committee and the Judicial Service Commission and Monitoring and Enforcing the Implementation of recommendations given by Oversight Agencies such as the Office of the Auditor General (OAG) and the Public Accounts Committee (PAC) of Parliament;
- l. enhance Corruption Reporting and

Investigation by Strengthening Corruption Reporting Mechanisms, Restructuring the Office of the Judiciary Ombudsperson to receive and process complaints of maladministration transparently and efficiently, collaborating with Investigative Agencies such as the Directorate of Criminal Investigations, Banking Fraud Investigations and EACC; and

- m. institutionalization of Transparency, Accountability and Integrity by undertaking Corruption Mapping in the Judiciary to establish the current patterns, trends, causes, effects and manifestations of corruption and unethical practices in the Judiciary and justice chain system in the country and implementing recommendations to deal with the challenges of corruption. Other approaches include mainstreaming the Official Secrets Act 2003 to protect classified information such as pending judgments and crucial documents in on-going court cases, profiling and carrying out background check of employees with access to classified information, undertaking training and sensitization of all judges, judicial officers and staff on integrity and anti-corruption and carrying out targeted lifestyle audits on employees living beyond their known sources of

income. There will also be integrity tests on employees in specific areas of interest, in conjunction with EACC, establishment of a Peer Review Mechanism and “Naming and Shaming” of Judges, Judicial Officers and Staff involved in unethical conduct and mobilization of key stakeholders in the justice system such as the LSK, Directorate of Public Prosecution (DPP), Police, Prisons, Probation Department and the public to participate in the fight against corruption in the Judiciary. The Judiciary will also undertake annual customer satisfaction surveys to assess the level of satisfaction of Judiciary customers with the services offered to them to identify areas that require improvement. Importantly, the institution will establish a reward scheme to identify and reward judges, judicial officers and staff who exhibit exceptional standards of integrity and performance. There will be regular media briefings on this integrity action plan.

### **3.6 Prudent Financial Management**

#### **a. Operationalization of the Judiciary Fund**

The Constitution grants the Judiciary financial autonomy through the creation of the Judiciary Fund under **Article 173**. The Judiciary Fund Act,

2016 has been enacted and Regulations to operationalize the Fund will be submitted to Parliament for approval and gazettment by June, 2017. This will mean financial autonomy, efficient and timely delivery of services with financial implications.

**b. Delinking from the District Treasuries**

Among the Leadership and Management challenges facing the Judiciary identified in the JTF are weak financial policies and operations. In this regard, although the Judiciary is an independent arm of government and has fully fledged Finance and Accounts directorates, however, the accounting system of the Judiciary in many court stations is linked to District Treasuries, with district accountants serving as signatories to the recurrent and deposit bank accounts. In some of the court stations, there have been reports of unethical conduct as a result of the linkage and problems of delay in bail and deposit refunds are partly caused by this fact. To date, the Judiciary has delinked fifty (50) out of 108 court stations from District Treasuries.

The delinking process began in 2014 leading to an increase in revenue collection by 20% and deposits by 35%. All the remaining court stations

will be delinked from the District Treasuries by July, 2018. This will require urgent enhancement of the capacity of Accounts sections at court stations to operate as full-fledged accounting units in an efficient, accountable, and transparent manner.

**c. Automation of Revenue Collection, Deposits Receipting and Accounting Processes.**

Revenue and deposits receipting and accounting in the Judiciary is purely manual, making it susceptible to fraud. Indeed, the Judiciary has been subjected to numerous cases of larceny by some unscrupulous staff due to the manual receipting system. In the Strategic Plan of 2014 – 2018, the Judiciary undertook to automate revenue and deposit receipting and accounting processes under Key Result Area 8: Efficient utilization of resources, with the strategic objective being to enhance systems for resource allocation and utilization. The process of implementing this undertaking is under way. A Project Implementation Team is already working on the computerization framework. This should be completed by July, 2018.

**d. Enhancement of e-Payment Systems**

Some court stations collect revenue

and deposits in cash exceeding KShs.500 contrary to prevailing guidelines. In some instances, excuses have been given pointing to the fact that there is a long distance from the court station to the nearest bank, while others have indicated that courts continue operating past the banking hours thus necessitating collection of cash. Internal audit reports reveal that there have been cases of theft and other malpractices where revenue is collected in cash. To stem the vices, alternative electronic payment systems will be enhanced at all court stations by July, 2017. All court stations are required to operate on a full-time basis electronic payment systems such as the Mobile Payment System. This should pave the way to cash payment being phased out.

**e. Deposits Management and Refunds**

Outstanding deposits at the Judiciary headquarters and court stations have not been reconciled to the respective bank accounts to determine if there are sufficient funds to refund depositors or forfeit to the state when court orders are issued. Consequently, the exact deposit liability position of the Judiciary is unknown.

Some court stations are unable to

refund depositors owing to utilization of the deposit funds at source, misappropriation or the deposit funds having lapsed at the District Treasuries. Reconciliations are being prepared as court stations delink from the District Treasuries. However, reconciliation of deposits in the entire Judiciary will be completed by July, 2017.

Going forward, outstanding deposits should be reconciled to the deposits bank balances monthly and reports submitted to the Chief Registrar by the 10<sup>th</sup> day of each month.

**f. Adherence to Public Finance Management Laws and Regulations**

**Section 27(5)** of the Judicial Service Act, 2011 requires laws and regulations relating to public financial management to apply to the operations of the Judiciary Fund. However, internal audit reports have highlighted instances of non-compliance with public finance management laws and regulations. In some cases, the Judiciary has been penalized, leading to loss of funds that should have been used to finance dispensation of justice.

Going forward, all payments to suppliers and staff will undergo

thorough examination to ensure that all relevant public finance management laws and regulations have been complied with. In addition, the Judiciary Finance Policy and Procedures manual that was prepared in the year 2014 will be reviewed

to be consistent with the provisions of the Public Finance Management (National Government) Regulations, 2015, Judiciary Fund Act, 2016 and other relevant public finance management laws and regulations.

# Chapter 4

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## **RESTRUCTURING AND STRENGTHENING THE OFFICE OF THE JUDICIARY OMBUDSPERSON**

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## 4.0 Background

### 4.1 Legal Framework for Establishing the Office of the Judiciary Ombudsperson

**Article 172(1)** of the Constitution of Kenya 2010 mandates the Judicial Service Commission (JSC), to, among other things, appoint, receive complaints, investigate and remove from office or otherwise discipline registrars, magistrates and other judicial officers and staff of the judiciary in the manner prescribed by an Act of Parliament. Parliament consequently gave effect to the provision of Article 172(1) by enacting Judicial Service Commission Act, 2011, which provides for, among other things, the appointment and removal of judges and the discipline of other judicial officers and staff.

**Article 161(2)(a)** establishes the office of the Chief Justice who shall be head of Judiciary, while **Section 5(2)(c)** of the Judicial Service Act vests on the Chief Justice as the head of the Judiciary the powers to exercise general direction and control over the Judiciary. **Section 32** of the Act also provides mechanisms for the appointment, discipline and removal of judicial officers and staff. The disciplinary powers vested in the Commission to interdict, suspend, administer a severe reprimand or reprimand to an officer have been delegated to the Chief Justice under **Section 15** of the **Third Schedule** of the Judicial Service Act, 2011.

Further, **Section 8 (e)** of the Commission on Administrative Justice Act (2013) enjoins the Commission and the Judiciary to facilitate the setting up and building of a complaint handling capacity in the sectors of public service, public offices and state organs. This legal requirement also necessitated the establishment of a complaint handling mechanism within the Judiciary.

It is for this reason that the Office of the Judiciary Ombudsperson (OJO) was established in August 2011 as an administrative office under the Office of the Chief Justice to assist the Chief Justice in carrying out the preliminary processes attendant to Chief Justice's exercise of the disciplinary powers vested in the office of the Chief Justice under **Article 161(2) (a), Section 5(2) (c)** and under **Section 15** of the **Third Schedule** and further to give effect to **Section 8(e)** of the Commission on Administrative Justice Act 2013.

The mandate of the OJO includes, inter alia; receiving, investigating and resolving complaints from the members of the public against the Judiciary, employees against fellow employees and employees against the Judiciary. The OJO makes recommendations on the complaints received to the Chief Justice and offers referral services through its referral partners on cases that are not related to the Judiciary.



## 4.2 Status Report of Complaints

Since inception, the OJO has recorded tremendous achievements. For instance, in the 2013/14 and 2014/15 financial years, the Ombudsperson handled 2,746 and 2,888 complaints respectively. The public view and approach to the Judiciary has greatly changed for the better over the four years the office has been in existence. This has been mainly due to the personalized assistance and successful resolving of public complaints by the staff

who respond to these complaints, and the online management system that eases tracking of the said complaints.

There has been a great improvement in the services rendered to the public as noted in the steady decline in the complaints over the four years to 3.10% in 2014/2015. This can be attributed to continuous employee education, adherence to the service charter and compliance parameters and checks put in place in the court stations.

**Table 4.1: How Complaints Have Been Handled by OJO**

State	2013/2014	2014/2015
Closed successfully	2,271	2,013
Closed unsuccessfully	8	18
Closed with workaround	123	111
Merged	94	49
New	93	271
Open	157	426
Total	2,746	2,888

**Table 4.2: Comparative Analysis of Complaints Received by OJO**

SERVICES	2013/2014	2014/2015	DIFFERENCE
Slow Service	212	155	57
Missing File	161	149	12
Poor Service	75	13	62
Referral cases to Stakeholders	28	14	14
Corruption	21	29	-8
Delayed Rulings	167	28	139
Date allocation	18	8	10
Delayed Orders	20	11	9
Cash Bail Refunds	22	8	14
Cannibalized files	10	4	6

**Table 4.3: Complaint Trends in Percentage**

	2011/12	2012/13	2013/14	2014/15
Slow service	32.81%	38.93%	28.88%	36.99%
Missing Files	24.49%	24.20%	21.93%	35.56%
Poor services	18.10%	13.42%	10.22%	3.10%
Referral cases to stakeholders	5.69%	5.43%	3.81%	3.34%
Corruption	8.74%	5.27%	2.86%	6.92%
Delayed rulings	3.76%	5.10%	22.75%	6.68%
Date allocation	3.41%	2.96%	2.45%	1.91%
Delayed orders	0.86%	2.39%	2.72%	2.63%
Cash bail refunds	1.21%	1.73%	3.00%	1.91%
Cannibalized files	0.93%	0.58%	1.36%	0.95%

In the financial year 2014/2015 the Ombudsperson received 2,888 complaints rising marginally from the 2,746 received in 2013/2014, as shown in Table 1. This increase could be attributed to a combination of factors including greater public confidence in the Judiciary and the Office of the Judiciary Ombudsperson's ability to respond to complaints; or greater public awareness arising from the sensitization programs run by the office. 2,013 of the complaints received in 2014/2015 were processed and closed successfully while 111 complaints were closed unsuccessfully and another 18 were closed though not successfully resolved. The Office of the Judiciary Ombudsperson had a successful closure rate of 74% on all complaints received in 2014/2015.

It is further noted that, there was a significant reduction in the complaints received against delayed rulings, delayed orders as well as delayed allocation of dates. This signifies a

tremendous improvement in the dispensation of cases in the various courts. 37% and 36% relating to slow service and missing files respectively constitute the largest complaints received. Complaints on corruption increased in the 2014/2015 reporting period at 6.9%.

Due to the various interventions by the office, there has been a great improvement in the services rendered to the public as noted in the steady decline in the complaints over the four years to 3.1% in 2014/2015. This can be attributed to continuous employee education, adherence to the service charter and compliance parameters and checks put in place in the court stations. Delayed rulings reduced to 6.68% during the same period

### **4.3 Judicial Measures to Handle Integrity and Corruption in Kenya**

The establishment of the Anti-Corruption and Economic Crimes Division of the High Court,

and the gazettelement of Practice Directions guiding the prosecution of economic crimes in Kenya, are aimed at ensuring effective case management and expeditious disposal of cases involving corruption and economic crimes. The proper functioning of the division will be fundamental to the success of combating corruption in the country with an increase in the annual number of conclusion of the case. The Courts will also take legal measures to ensure that the “giver” and the “taker” in corruption case are both held accountable and punished in equal measures as provided for by the law.

#### 4.4 Strengthening and Restructuring the Judiciary Office of the Ombudsperson

The debate surrounding the establishment of the office and the need to strengthen the capacity to effectively process both public and internal complaints have necessitated the restructuring and strengthening the office of the Judiciary Ombudsperson.

Even though the legal basis for the establishment of the office as an administrative machinery for the Chief Justice in performing his delegated powers under Section 15 of the Third Schedule of the Judicial Service Act; Section 5(2) (c) of the Act, Section 8(e) of the Commission on Administrative Justice Act 2013 and under Article 161(2)(a)

is clear, the restructuring and strengthening of the OJO is born out of the administrative challenges currently experienced in its

operations with a view to employing international best practices.

Further, to address other administrative challenges, an action plan has been developed, identifying

various issues to be addressed, strategies/ activities, expected outcome, timelines and responsible offices. The restructuring and the action plan entails:

- a. the Office of the Judiciary Ombudsperson being headed by the Deputy Chief Justice with a Secretary as head of the secretariat by February 2017;
- b. under the direction of the CJ, and in consultation with the JSC, conclude the preparation and approval of an organization structure and job descriptions for staff in the OJO, by April, 2017;
- c. identification and deployment of the required number of staff by May, 2017;
- d. review of the Judiciary Code of Conduct by June, 2017; and
- e. finalization of the Judiciary Complaints Manual by September, 2017.

*“The restructuring and strengthening of the OJO is born out of the administrative challenges currently experienced in its operations with a view to employing international best practices.”*

The new administrative structure must be efficient and responsive to both the public and institutional demands and build public confidence in the outcomes of its activities while paying obedience to the rule of law and fair administrative action to the affected Judiciary staff.

The Office will handle complaints specifically dealing with the following:

- a. Internal Affairs - Internal complaints between employees of the Judiciary;
- b. Public complaints against Judicial Officers and staff arising out of the discharge of judicial functions, i.e., corruption cases and maladministration in judicial processes; and
- c. Complaints by private sector doing business with the Judiciary such as contractors and suppliers.

# Chapter 5

## JUDICIARY DIGITAL STRATEGY

## 5.0 OVERVIEW

The SJT builds on the Judiciary Strategic Plan, 2014-2018 and the Judiciary Transformation Framework (JTF) 2012-2016 that laid the foundation for the transformation of the Judiciary, and which identified the harnessing of technology as an enabler of justice. One of the weaknesses identified in the Strategic Plan as having impeded the Judiciary's effective service delivery is poor physical and ICT infrastructure. The Strategic Plan identified the slow pace of embracing technology, low quality of technology infrastructure and low levels of innovation and availability of technological solutions as issues requiring attention.

To address these challenges, the Integrated Court Management System Committee (ICMS) was established by the former Chief Justice, Dr Willy Mutunga, in October 2014. The Committee has developed an ICT Master Plan 2017-2022 and has also piloted the Judiciary Automated Transcription System (JATS) in the Commercial and Tax Division of the High Court. The pilot provided useful information on the basis of which a court recording and transcription solution for the entire Judiciary can be modeled. The Committee has also formulated an ICT Policy that is undergoing internal approvals.

It is not in doubt that successful ICT

operations will have a significant effect on improving service delivery. However, the heavy investment so far made in ICT

in the Judiciary has not necessarily produced commensurate results even though vital lessons have been learnt

that are sufficient to inform the SJT Digital Strategy going forward. It is for this reason that automation of Judiciary processes will be a priority leveraging on the massive capital investment that has been made by the Judiciary in numerous ICT projects.

Whereas many ICT projects have been initiated in the Judiciary over the years, the success rate has been low. The projects have not provided the expected Judiciary-wide and public impact. This new strategy takes into account the lessons learnt from these previous efforts.

Under the SJT, the ICT systems (discussed in detail under Section 3.3 below) to be implemented will be divided into five categories as follows:

- a. **Judicial Operations Support Systems:** These include registry management, case management, calendaring and citizen-centric communications. Everything outside

*"It is not in doubt that successful ICT operations will have a significant effect on improving service delivery"*

the courtroom that supports the delivery of justice is subsumed under this category.

- b. Court Management Systems:** This category includes all the in-court systems that support the determining of cases and includes stenography and transcription, legal references and searches, note taking support and document composition, security and distribution.
- c. Enterprise Resource Planning:** All administrative capabilities including financial management, asset management, facility management, human resource management and the common corporate support systems come under this category.
- d. Document and Archive Management:** Digitization, archiving, curation, publication and distribution of extant legal documents are managed in this category.
- e. ICT Infrastructure:** Supporting ICT infrastructure such as networks, internet access, security and disaster recovery capabilities are included in

this category.

The five categories will each have the following quick wins for improved service delivery:

#### **I. Judicial Operations Support Systems**

- a) New Secure Email system by February, 2017, and
- b) Milimani High Court - Online Date Tracking by March, 2017

#### **II. Court Management Systems**

- a) Court Fees and Fines e-Receipting at Milimani Law Court by March 2017
- b) Court Transcription for 22 court rooms for Election Petitions by June 2017

#### **III. Enterprise Resource Planning**

- a) Leave Automation by June 2017
- b) Automated Performance Management and Appraisal by June 2017

#### **IV. Document and Archive Management**

- a) E-filing at the High Court Commercial and Tax Division by April 2017

#### **V. ICT Infrastructure**

- a) Internet Connectivity to all Courts by July 2017.

Hereunder are some highlights of the programme of action under this strategy:

SN	Programme	Start	End
1	Internet WIFI connectivity in all court stations	March 2017	
2	Mobile payment of court fees (eg M-PESA)	March 2017	
3	E –filing of Court processes starting with Milimani Commercial Division	March 2017	
4	Mobile SMS queries of judicial processes	April 2017	
5	Electronic revenue collection and Court fee payment	June 2017	
6	New secured system email, with a new judiciary domain name	March 2017	
7	Judicial Operations Support Systems	Feb 2017	July 2018
8	Court Management Systems	Mar 2017	Dec 2020
9	Enterprise Resource Planning	Apr 2017	Dec 2019
10	Document and Archive Management	Apr 2017	Dec 2019
11	ICT Infrastructure	Jan 2017	July 2019

Every technology deployment decision in the Judiciary will henceforth be guided by a focus on creating an extraordinary citizen experience. Each decision will be tested against the value it would bring to the court user. Clients of the Judiciary will participate in managing their cases. They will submit case details, submit dates, and track cases. The principles underlying the strategy are as follows;

- a. Create and implement citizen-centric solutions that ease access to and interaction with judicial services.
- b. Make all citizen-directed services mobile-friendly and put most services online.

## 5.1 ICT PILOT PROJECTS: FROM EXPERIMENT TO IMPLEMENTATION

The Judiciary has commenced piloting of various technologies to improve service delivery. These initiatives will be properly included in the appropriate programme group. Some of these initiatives include:-

### a. Judiciary Automated Transcription System

The Court Recording and Transcription System is an integrated system to facilitate the digital audio and video recording of court sessions and the preparation of transcripts. The transcription solution provides Judges and Magistrate with audio and video recordings for the Court Room and



Chambers. The solution development has been running at the High Court's Commercial and Tax Division for 12 Months and has improved the management of proceedings and will be rolled out in other courts.

Court proceedings in two court rooms at the Commercial and Tax Division are recorded for the preparation of transcripts. Over the period of February to December 2016, the Division recorded a total of 255 Court sessions and 1,800 proceedings produced using the system. Proceedings in this period are ready for use in appeals within 3 weeks. This project will be subsumed under the Court Management Systems programme.

**b. Judiciary e-Diary System**

Currently, there are serious challenges experienced in manual date fixing, closed diaries and publishing of the cause lists. In most court stations, court diaries are filled and closed within two to three weeks of January and February in each year. That means no hearing dates can be given for the rest of the year thus leading to despondency of many litigants and their advocates. Come the following year, there is a scramble for dates and this creates a fertile ground for corruption in the allocation of hearing dates.

The Judiciary Electronic Diary is a Management System developed to address this challenge which enables litigants to continually take hearing dates throughout the year and automatically generates cause lists. The system also incorporates different interfaces that assist users to update case dates arising from both the registries and court room activities. The system is already operational at all the High Court Divisions at Nairobi Milimani Law Courts. The result is that all High Courts in Nairobi have 42,043 dates captured in the system and all active cases are tracked with publication of a provisional cause list that is now available 30 days in advance. This project will be subsumed under the Judicial Operations Support Programme for all courts.

**c. Judiciary Registry Queue and Customer Care System**

The Judiciary has commenced a pilot project to set up public information centres in High Court stations and introduce queue management systems (QMS) as part of digitization with the objective of improving and achieving better and quality service delivery to citizens. It has been deployed in the High Court, initially at the Family Division in Nairobi and at the Mombasa Law Courts.

The system creates order and fairness in serving citizens in the registries. In addition, the system provides statistical reports on the performance of the registry in terms of case registration, grants/orders collection over a given period of time, as well as reorganizing business procedures in the registries by mapping services to service points as well as re-engineering the processes.

The Queue Management System has established order in the Family Division of the High Court at Nairobi and led to improved service delivery with more clients being served daily. Currently, 450 people are served per day in the registry with 60,000 people having been served in the last seven (7) months

### **Financial Management System**

Financial autonomy is a crucial component of the independence of the Judiciary. To address this component, Article 173 of the Constitution and Part IV the Judicial Service Act provide for establishment of a Judiciary Fund which was gazetted on 29<sup>th</sup> May 2016. Currently, the Judiciary's financial processes are linked to the Treasury. This linkage does not only defeat the overall objective of the Judiciary's financial autonomy but also hampers expeditious service delivery and, as

stated, breeds corruption. To achieve complete financial autonomy, it is necessary for the institution to develop an Independent Financial Management System that provides all Court stations with a facility to manage their financial processes without intervention from the Treasury at the County level.

The Financial Management System is a project aimed at ensuring that the Judiciary has an Independent Financial Management System known as Judiciary Financial Management Information System (JFMIS) that enables all court stations facilities to manage their financial processes independent from the Treasury at both National and County levels.

An Independent Financial Management System has been deployed in the Judiciary that provides all court stations facilities to manage their financial processes. This has improved the reporting over the last 2 financial years and has shown progress by increasing of the revenue collection by 20% and deposit by 35% in the selected delinked stations over the financial year 2015/16.

The pilot projects mentioned above will be rolled out in phases in all Court stations, upon certification of their full implementation in the Judiciary by December 2018.

## 5.2 THE JUDICIARY DIGITAL STRATEGY

The Judiciary Digital Strategy will be guided by the following general principles;

- a. **Start with user needs:** Service design starts with identifying user needs. If you don't know what the user needs are, you won't build the right thing.
- b. **Design with data:** In most cases, we can learn from real world behavior by looking at how existing services are used.
- c. **Do the hard work to make it simple:** Making something look simple is easy. Making something simple to use is much harder especially when the underlying systems are complex.
- d. **Iterate. Then iterate again:** The best way to build good services is to start small and iterate wildly. Release Minimum Viable Products early, test them with actual users, and move from Alpha to Beta to Live Adding Features.
- e. **This is for everyone:** Accessible design is good design. Everything we build should be as inclusive, legible and read-able as possible.
- f. **Understand context:** We're not designing for a screen; we're designing for people. We need to think hard about the context in which they are using.
- g. **Build digital services, not websites:**

A service is something that helps people to do something. Our job is to uncover user needs, and build the service that meets those needs.

- h. **Be consistent, not uniform:** We should use the same language and the same design patterns wherever possible.
- i. **Make things open:** it makes things better: We should share what we are doing whenever we can.

### a. General Objectives

The general objectives of the ICT Strategy are to:

1. optimize the utility of investments to date;
2. design and document a holistic Enterprise Architecture;
3. develop actionable ICT strategy for the Judiciary;
4. develop a project plan and optimal implementation; and
5. identify and implement quick wins that can be easily implemented.

### b. Strategic Objectives

The Strategic Objectives of the ICT interventions shall be to:

1. create and implement citizen-centric solutions that ease access to and interaction with judicial services and
2. make all citizen-directed

services mobile-friendly and put all services online.

**c. Digital Strategy Framework**

There are fundamentally two types of digital strategy: Customer Engagement and Digitized Solutions. These strategies are business (not technology) strategies inspired by the capabilities of powerful, readily accessible technologies such as SMACIT, intent on delivering unique, integrated business capabilities in ways that are responsive to constantly changing citizen requirements. It is generally true that there are no instances of successfully following both strategies - and organization must select one of the strategies.

*i. Digitized Solutions Strategy*

The strategic focus of a digitized solutions strategy is adding value to citizens not just from a service, but from the organization's ongoing value-added involvement in the use of that service. It transforms an organization's business model by reformulating the value that the organization is actually taking to the market. Digitization facilitates information flows that enhance the value of services. Generally speaking, digitized solution strategies are more appropriate to organizations and firms that create material artifacts.

*ii. Customer Engagement Strategy*

The strategic focus of a customer engagement strategy is on building loyalty and trust – and in the best cases, passion - by creating a superior, innovative customer service system that intimately understands customers and rapidly responds to their needs.

The Government of Kenya, has chosen a customer engagement strategy (called in this case, a citizen-centric strategy). Every technology deployment decision is guided by a focus on creating an extraordinary citizen experience. Each decision is tested against the value it would bring to the archetypal “Wanjiku”, the quintessential Kenya.

*iii. Operational Backbone*

We define an operational backbone as the set of systems and processes that ensure the efficiency, scalability, reliability, quality, and predictability of an organization's core operations. Some fundamental features of a well-designed operational backbone are that there are no data silos, and that systems are integrated and standardized.

The two requirements for the backbone are (a) seamless transaction processing with end to-end visibility and (b) standardized, widely adopted back-office shared services.

An effective operational backbone supports increasing automation of repetitive processes, thus enhancing their speed and accuracy. The stability and reliability it provides ensures that management can focus on strategic issues rather than fighting fires. Some elements of an effective operational backbone include systems such as:

1. **Enterprise Resource Planning (ERP):** Systems to manage core organizational functions such as finance, human resources, fixed assets and inventory/supply chain.
2. **Customer Relationship Management (CRM):** To help citizens seamlessly interact with the judiciary.
3. **Integrated Case Management (ICM):** Provide full lifecycle visibility into all cases; provide Judicial officers and managers with metrics and performance statistics, and citizens with real-time access to their cases and matters before the courts.
4. **Document Management and Archival Services:** Provide public online access to public court archives.

#### a. The Action Plan

The Digital Strategy envisages a layered implementation process;

##### 1) Network:

This is the bedrock of all systems, and if there is no communication there is no system. The network component will be defined more broadly than just

the cables and wires and include basic services such as email, collaboration, messaging, file-exchange and printing.

##### 2) Data Centre:

An available, robust, resilient Data Centre from which to run servers and services is the next layer of the system. It is necessary to have redundancy and disaster recovery capability. Therefore, a geographically distant backup Data Centres will be set up. These data centres will have to be appropriately provisioned with hardware servers and ancillary support equipment to ensure that they are always-on and available.

##### 3) Servers and Services:

The strategy is to provision a single, replicated database to provide a single version of the truth, data consistency and deeply integrated systems - avoiding silos. The idea is to ensure that, as far as is possible, to only use open source solutions to prevent vendor lock-in and licence fees in keeping with wider government policy.

##### 4) Web Based Interfaces:

Mobile friendly internet accessible services and reports, to ensure a single point of access will be developed. All services will take a mobile-first approach to ensure that every citizen has access.

## i. Networks

The plan is to provide a cryptographically secure Judiciary-wide inter-station network built over the public internet infrastructure. Each station will have a high-speed wireless network, available to staff, lawyers and citizens. Each member of staff of the judiciary will have seamless access to secure, highly-available email, calendaring, collaboration and groupware, internet telephony (VoIP) and messaging.

*"Citizens, lawyers and judicial officers will freely access data from their phones, tablets, laptops and work stations."*

running a cable from each station to every other.

3. Implement a high-speed wireless infrastructure in each station and court. It is the plan to provide purely wireless connections to devices at the edge. Citizens, lawyers and judicial

officers will freely access data from their phones, tablets, laptops and work

In order to fully implement the foundational network layer, the anticipated steps are as follows:

1. **Internet Access:** Provide each station with the resources and guidance to procure robust, high-speed internet access locally. This is a change in methodology from the previous modus operandi where network infrastructure was built from the center. Locally acquired internet access will give stations the ability to ensure that they are getting the best locally available service. The internet will provide the inter-station connectivity.
2. **Virtual Private Network:** A Virtual Private Network (VPN) provides an encrypted secure private network over the public internet infrastructure. This is the cryptographic equivalent of

stations. This approach

leads to increased operational flexibility, ubiquitous information access and also has dramatic cost efficiencies.

4. **Communications Services:** The ICT Directorate will provide usable, reliable, secure email, messaging, and voice (VoIP) services.
5. **Collaboration Services:** Shared calendaring (with applications in court scheduling), groupware, personal encrypted backup folders, and file transfer services will be run in the J-Cloud.

## ii. Data Centre

The strategy is to create a Judiciary Cloud (JCloud) running in redundant, secure data centres. In order to implement the data centres

in which the cloud will run:

*1. Data Centres:*

Fully operationalize the Container Data Centre at the Supreme Court, revamp the Milimani Data Centre and establish a data centre in Mombasa and a redundant data centre in secure government premises. These four data centers, when fully realized, will provide disaster recovery capabilities in the event one is disabled, and secure seamless continuity of operations.

*2. Virtualization:*

Implement a server and resource virtualization infrastructure to fully implement the JCloud.

*3. Security:*

Create a public key infrastructure to secure data in transit and at rest. Provide each Judicial staffer with a digital signature and cryptographic private key. Each data centre will also be secured with the robust intrusion detection, anti-virus, firewall and security capabilities.

**iii. Devices**

Provide all staff with computing equipment on a Bring Your Own Device (BYOD) model. The proposal will be incorporated in the Judiciary ICT policies and development of a framework in consideration of Human Resource manual and Procurement Regulations.

**iv. Station Systems**

**E-filing and Case Management**

Implement an e-filing system at the Commercial Division of the High Court by March 2017 then replicate the same simultaneously to all other stations by December 2018.

1. Pilot case management, e-filing, and online/mobile payment of fees and fines
2. Perform systems analysis of case management
3. Get a Playbill number
4. Develop central web based case management solution
5. Provide computer based training and support to registry staff in all stations
6. Liaise with and apprise LSK and other stakeholders on new procedures.

To deliver a robust network for all courts resources will be required as follows (a) Resourcing the development team to work in a conducive environment (b) avail System Developers, Analyst and Quality Assurance to provide a robust solution (c) engaging both internal and external stakeholder in forums over the lifecycle of the inception of the project. (d) develop a Change Management Strategy and operationalize it through assistance of JTI to ensure that ICT champions are trained and cascade it to court stations (e) acquire ICT equipment both for central storage and end user equipment.



## **v. Transcription Services**

The transcription solution for the Judiciary has been developed and recommendation has been provided for adoption. The solution will be implemented for Election Dispute Resolution (EDR) courts starting with the Political Parties Dispute Tribunal (PPDT) by March 2017 and the 22 courts including Supreme and Court of Appeal Nairobi by June 2017. In this regard, we shall (a) resource the purchase equipment for the first 22 Courts (b) source for funds for the remaining 620 courtrooms across the Judiciary over the next 36 months from July 2017 to December 2020 (c) establish the Office of Transcribers in all courts and ensure that they are supervised and have clear Job Descriptions and reporting lines.

## **vi. Central Systems**

Implement core services uniformly and simultaneously across all stations. The strategy is to: (a) remove bottlenecks in the system, (b) empower citizens and allow them to get information on-demand (c) ease interactions and information access (d) Increase transactional velocity

Some of the central system categories to be implemented include:

### **1. Enterprise Resource Planning:**

Implement business operations support systems. These include run of the mill accounting and finance management, human resource management

including performance management, a staff self-service portal for leave and expenses management, asset and fleet management, facilities management, central project management, and security management.

### **2. Judicial Operations Support:**

These systems include registry and document management, case management, case scheduling, case status notification and query systems, judgement and archival systems, and judicial performance management.

### **3. Court Management Systems:**

These in-court systems include recording and transcription management, stenographic support and management systems, note-taking, document composition and judgment delivery systems, case history retrieval systems and other auxiliary support systems.

### **4. Document and Archive**

**Management:** Create digital copies of all extant court records and make them available online.

### **5. External Integrations:**

Integrate with Police, Public Prosecutor, Prisons systems, IFMIS and KRA systems.

In order to design, build, test, deploy and maintain these systems, the following teams



will be established:

- 1. Project Management Team:** The project management teams will provide product management, project monitoring and reporting, and the technical interface to process owners.
- 2. Business Analysis Team:** This team will obtain requirements from process owners, document processes, get sign-offs on final business process maps.
- 3. Software Development Team:** The software development team is responsible for the actual development of software.
- 4. DevOps Team:** The DevOps team is responsible for continuous integration testing of developed software, deployment into the live environment, version control management and live environment management.
- 5. Customer Support Team:** The Customer Support Team provides end users with technical support at the time, place and manner that they require support - the team manages the help desk servicing both citizens and

judicial staff.

- 6. User Experience Team:** The user experience team manages all web based assets including the website. All customer facing interfaces, language translation and accessibility for persons with disability are their responsibility.

In order to equip and provide for these teams, it is estimated that the following resources will be necessary:

1. Development Servers: 10 Development servers.
2. Staging Servers: 6 testing servers
3. Testing Servers: 4 Testing servers
4. Administrative Servers: 2 Servers
5. Help Desk: 2 Servers + 10 work stations
6. Developer Workstations: 40 Work stations, each with an extra screen.
7. Administrative Workstations: 30 administrative workstations (business analysts, project managers, product managers etc)
8. Accessories and equipment: Network printers (2), Projectors and Screens (5)

# Chapter 6

## LEADERSHIP AND GOVERNANCE

## 6.1 INDEPENDENCE OF THE JUDICIARY

Respect for the independence of the Judiciary is an obligation imposed by the Constitution of Kenya 2010, as well as many other universal and regional human rights instruments such as Basic Principles on the Independence of the Judiciary, the Bangalore Principles of Judicial Conduct, The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship Between the Three Branches of Government.

Indeed, judicial independence is entrenched under **Article 160** of the Constitution 2010 which provides in part that:

*(1) In the exercise of judicial authority, the Judiciary, as constituted by Article 161, shall be subject only to this Constitution and the law and shall not be subject to the control or direction of any person or authority.*

Under SJT, Judges and Judicial officers will rededicate their commitment to pay fidelity to and be accountable only to the Constitution and to the law which they must apply fairly, independently and with integrity. The decisional independence of the Judges as well as institutional independence of the Judiciary will continue to be steadfastly protected. As was proclaimed in the Judiciary Transformation Framework 2012-2016, the Judiciary

under SJT shall embrace the principle of robust independence and constructive interdependence in its relationship with the other arms of governments and other stakeholders.

Respect for court orders is non-negotiable as it is a cardinal component for the rule of law, democracy and social order and political stability. Disregard for court orders is an invitation for anarchy which this country cannot afford.

## 6.2 LEADERSHIP AND MANAGEMENT

### 6.2.1 Station-Based Service Delivery Charter.

The SJT is predicated on the notion of individual accountability. This also means that court based performance evaluation will be a strong basis or approach for service delivery. Each Court Station will develop its own Service Charter, aligned to the service delivery objectives elaborated in the SJT.

The Station Based Service Delivery Charters will contain a comprehensive set of indices including timeliness in retrieval of files, duration for concluding civil and criminal matters, timeframes for writing of judgments and rulings; range and state of ICT services; duration for making typed proceedings available; case backlog reduction strategy; number and effect of Court Users Committee Meetings and Open Days held periodically;

corruption and public complaints reduction strategy among others.

The Directorate of Performance Management, together with the Performance Management and Measurement Unit (PMMU) Steering Committee, and the individual Court Stations, will develop a comprehensive set of indicators for each station's Service Delivery Charter. The Station Based Service Charters will be displayed prominently and clearly in each court and bi-annual reports submitted to the Chief Justice. Every year, the Chief Justice will pronounce the best and worst performing Court Station based on its Service Delivery Charter Commitments. These performances will have a bearing on employee promotions and a reward and sanction mechanism will be established.

#### *6.2.2 Build JSC Capacity*

The Judicial Service Commission is a very vital constitutional organ established to promote accountability and independence of the Judiciary. Judged by the number of policies it has developed, the number of recruitment and promotions it has undertaken, the difficult discipline cases it has and continues to handle, and its steadfast defence of the independence of the Judiciary, the Commission – though part time - has done considerable amount of work in the last six years. In many respects, the JSC is still an embryonic Commission and its capacity will be further strengthened to deliver on its mandates of recruitment,

promotions, training and discipline. The Commission will revise its speed of dealing with disciplinary cases so that such matters are concluded speedily and fairly.

#### *6.2.3 Expand JLAC*

The Judiciary Leadership and Advisory Council (JLAC), currently composed of the Chief Justice, President Court of Appeal, Principal Judge of the High Court, two judges and a magistrate nominated by the Chief Justice, Chief Registrar of the Judiciary, and the Director of the Judiciary Training Institute and the Chief of Staff in the Office of the Chief Justice will be expanded to include the Deputy Chief Justice, Presiding Judge of the Land and Environment Court as well as the Principal Judge of the Labour and Employment Court. The JLAC will be the principal advisory organ for the Chief Justice in the discharge of his constitutional and statutory duties in providing general direction and control of the Judiciary.

#### *6.2.4. All High Court Stations to establish Leadership and Management Committees*

The Judiciary Transformation Framework, and now the High Court (Organisation and Administration) Act, 2015 provide that court stations should have Leadership and Management Committees (LMC). All Court stations and presiding judges must fulfil these provisions of the law and firmly institutionalise and activate LMCs as vibrant governing organs of each court station. The LMCs will

be drivers and custodians of the Station Based Service Delivery Charters.

#### 6.2.5 Streamlining Management

The Judiciary is an important arm of government and to deliver on its constitutional mandate as a responsive public institution, it must modernise its administrative units, systems, and processes. The management of the Judiciary will be streamlined so that the administrative functions are not just robust and effective, but, even more importantly, they are strongly aligned to supporting the judicial function of the Judiciary.

To effectively meet the challenge of individual accountability for better service delivery, which is the *leif motif* of the SJT, the human resource and technical capacity of the Directorates of Performance Management, Risk and Audit and Public Affairs and Communication will be greatly enhanced. These Directorates will functionally report directly to the Office of the Chief Justice and operationally to the Office of the Chief Registrar.

The Directorates of Human Resources, Finance, Accounts, ICT, Supply Chain Management, Building Services will be required to produce their own service charters indicating timelines and targets. Payments to supplies and contractors should be automatic and time bound upon completion and certification of works and there should be no reason why any supplier and contractor should

personally follow up on their payments.

### 6.3. STAFF WELFARE

Staff welfare has improved significantly over the last five years. We shall work towards maintaining these standards and make the Judiciary one of the best public sector employers by engagement with relevant authorities and regular review of staff remuneration and benefits. We will also streamline the promotions and re-designation of staff.

### 6.4. INFRASTRUCTURE

Infrastructure development was a major pillar of JTF and in the first phase of Judiciary Transformation, over 100 court construction and rehabilitation works were initiated. Tremendous progress has been made in this regard with several projects completed while others are at various stages of completion.

Under the SJT, all the construction works started under JTF will be completed and emphasis will be placed on concluding these constructions within time and within budget. New infrastructure projects will be commenced guided by the long-term Judiciary Infrastructure Development Plan. A strict monitoring mechanism will be established to avoid making these construction works a site for corruption. The capacity of the Directorate of Building Services will be enhanced to enable them execute construction contracts in a timely and effective manner.

We shall have discussions with Parliament and Treasury to work not only on the increase of Judiciary budget but also to ensure timely exchequer releases to avoid delays and variations of contracts in our development vote which become not only costly but also amenable to corruption.

## 6.5 TRAINING

The Judiciary has made significant progress in the revival and mainstreaming of training. However, a few challenges have emerged including scheduling of trainings that disrupt court operations, imbalance in training beneficiaries between different cadres, and relevance. Going forward the Judiciary Training programme will be guided by the outcome the Training Needs Assessment is being undertaken. Judges/magistrates as well as staff ration on training will be agreed on based on the training needs assessment recommendations.

In order to keep track of all training within the Judiciary, the Judiciary Training Institute keeps and follows a Judiciary Master Calendar that is prepared in collaboration with all Directorates within the Judiciary. JTI has developed an up to date database indicating participation in various trainings. This database contains information on the number of trainings attended by each Judge and Magistrate so as to avoid constant interruption. The database also helps to ensure that at no time is a station left unattended by all judicial officers attending training at the same time.

## 6.6. INSTITUTIONALISING NCAJ/CUCs

The National Council on the Administration of Justice (NCAJ) occupies a unique and strategic place in the administration of justice in Kenya. It provides the singular most important institutional platform for achieving justice sector-wide reform. In this regard, the NCAJ will be strengthened and fully institutionalised with its own fully-fledged secretariat and office space. Each court station will also completely operationalize Court Users Committees (CUCs) and the Work plans and Reporting Template already approved by the CUCs Biennial Conference shall be the official reporting document for CUCs activities. The Judiciary will continue to conduct public and stakeholder engagements.

## 6.7.SUPREME COURT

The Kenyan Supreme Court has Statutory and Constitutional obligations. **Section 3** of the **Supreme Court Act**, requires the Supreme Court, as the Court of final judicial authority in the land to, inter alia,

*“assert the supremacy of the Constitution and the sovereignty of the people of Kenya; provide authoritative and impartial interpretation of the Constitution; and [to] develop rich jurisprudence that respects Kenya’s history and traditions and facilitates its social, economic and political growth.”*

Under JST Agenda, the Court will emphasize the requirement for the

assertion of the supremacy of the Constitution. As is known, our system, like those of the United States of America, Canada and South Africa, is one of constitutional supremacy as opposed to the British system which espouses Parliamentary Supremacy. This means that our Constitution has to be interpreted in a manner different from the one followed in the interpretation of the Parliamentary type of constitutions and ordinary statutes. Our Constitution must be interpreted as a higher law or norm against which all other laws must be assessed for consistency. In the interpretation of our Constitution, the overall objective is to determine the values in the Constitution and not the intention of Parliament. This is why **Article 259** requires our Constitution to be “interpreted in a manner that—

- (a) promotes its purposes, values and principles;
  - (b) advances the rule of law, and the human rights and fundamental freedoms in the Bill of Rights;
  - (c) permits the development of the law; and
- contributes to good governance.

It is therefore clear that the foremost duty of this Court is to give the Constitution a sound interpretation.

The Supreme Court has both original and

appellate jurisdictions while additionally offering advisory opinions. Under JST, this Court must give Kenyans nothing less than the best performance is expected as it is the pace setter in constitutional interpretation and jurisprudential development in our country.

To deliver on the Court’s crucial mandate of being in the forefront in sound interpretation of the Constitution and in the promotion and maintenance of the rule of law as well as development of robust indigenous jurisprudence, the Court will need to excel in three major aspects: build and maintain public confidence in the Court; be a collegial Court; and have a harmonious working relationship with other units in the Judiciary

It is important to enhance the public confidence in the Supreme Court and the Judiciary. The ability of the Supreme Court to fulfil its mission and perform its functions is for a great part based on the public’s trust and confidence in the court. The court will earn this trust and confidence by faithfully performing its duties, adhering to ethical standards, and effectively carrying out internal oversight, review, and governance responsibilities.

Collegiality among the judges of the Supreme Court should help mitigate the role of partisan politics and personal ideology by allowing judges of differing opinions, perspectives and philosophies to communicate with, listen to, and ultimately influence one another in constructive and law abiding ways.



Under JST Agenda, the Supreme Court's commitment is the promotion of harmony and seamless relationships between the Supreme Court, the Office of the Chief Justice, the Office of the Chief Registrar of the Judiciary and the Judicial Service Commission. All these institutions need to work in harmony and unity of purpose and direction in order to efficiently and effectively deliver on the main goal of the Judiciary, that is, fair dispensation of justice to Kenyans.

## **6.8 NATIONAL COUNCIL FOR LAW REPORTING**

In addition to the automation of the judicial processes and systems, SJT commits to providing judges and judicial officers with their most important tool - legal research materials.

The National Council for Law Reporting Council has emerged as the foremost source of legal research material, a quality that must be built and expanded as part of our service delivery agenda.

We shall therefore increase the capacity at the National Council for Law Reporting so as to achieve the following: (a) ensure the collection, uploading and dissemination of all judicial decisions in real time (b) facilitate

the production of specialized Law Reports that speak to the various special practice areas and particularly those

*"Further, magistrates courts shall be established in all the 290 sub-counties in a phased manner"*

pertaining to the areas of environment and land; and employment and labour relations (c) facilitate the production and dissemination of the Kenya Law Reports in digital format so that they are easily accessible (d) ensure that each and every judicial officer has access to the Kenya Law resources on their desktop computer thus transforming the manner in which judicial officers undertake their legal research and write their judgments.

Importantly, we shall ensure that the jurisprudence that is generated by our courts, and that is tracked by the Council for law reporting, is robust and remains true to the Constitution of Kenya.

## **6.9 SUPPORTING DEVOLUTION**

Even though the Judiciary is not devolved, the Judiciary will continue to strongly support devolution and build partnerships with the Council of Governors (COG) in the administration of justice at the County Government level. High Court stations will be established in all the remaining nine Counties of Elgeyo-Marakwet, Nandi, Lamu, Kwale, Samburu, Isiolo, Wajir, Mandera and Vihiga, by 2018. Major High Court building constructions are ongoing in all these counties except the first three where engagements with

the Governors on land allocation are on-going. Further, magistrates courts shall be established in all the 290 sub-counties in a phased manner. In the interim, mobile courts shall continue to operate in



the non-serviced area.

The Judiciary has already waived the payment of court fees for County Governments and all court stations must comply with these guidelines. All courts must maintain separate registers for county matters and as the volume of cases arising from county legislation continue to increase, fully-fledged courts/magistrates that exclusively handle county matters will be established to ensure that country-related litigation are fast-tracked. We shall forge further partnership with County Governments who have land to donate for the construction of courts and houses for staff.

#### **6.10. TRAFFIC SECTOR REFORMS**

The traffic sector is a major site where the Kenyan public experiences acute injustice. There is absolutely no reason why a traffic

offender who pleads to a charge of over speeding for instance should spend the whole day in court. The NCAJ Traffic Guidelines that were developed by the NCAJ Traffic Sector Working Group, and which were issued by the former Chief Justice and the Inspector General of Police, were intended to respond to these challenges. We shall enforce compliance with these Guidelines in order to ease processes of payment of traffic fines through MPESA/PayBill Number/physical presence of Judiciary cashiers in courts; stop the incarceration of minor traffic offenders in court cells; and ensure that police cash bail is availed in court.

# Chapter **7**

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## **IMPLEMENTATION AND MONITORING FRAMEWORK**

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## 7.0 IMPLEMENTATION AND MONITORING FRAMEWORK

A vision like this one may have wonderful pronouncements but count for nothing if it is not effectively implemented. The implementation and monitoring of this vision will be overseen by the formation of a committee to be known as the Implementation, Monitoring and Reporting Committee (SIMRC) which shall be chaired by the Deputy Chief Justice and report to the Chief Justice.

The SIMRC shall prepare a detailed operational plan to guide the implementation and monitoring of the SJT. This Plan will assign responsibility and accountability systems to individuals and offices to ensure that the strategic objectives are not only pursued consistently but also that they are met within the committed timelines.

In order to benefit from the detailed lessons of JTF, the SIMRC will conduct an evaluation of JTF, and from these

findings, inform its operational bearings.

The implementation and monitoring of SJT will

be closely aligned with the Performance Understandings that Judiciary employees, organs, and offices have already signed on as part of the performance management framework. In this regard, the Performance Management and Measurement Steering Committee (PMMSC) and the Directorate of Performance Management shall provide technical support to SIMRC in addition to other technical units that the leadership of SIMRC may consider necessary for the effective execution of its mandate.

*"In order to benefit from the detailed lessons of JTF, the SIMRC will conduct an evaluation of JTF, and from these findings, inform its operational bearings."*

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